

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 30, 2023

8:30 a.m./1:30 p.m.

14. BARRON HOOPER V. SCHEA LAMONT

23FL0019

Petitioner filed a Petition for Custody and Support of Minor Children on January 11, 2023 and a Request for Order (RFO) on January 13, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 6, 2023 and a review hearing on March 30, 2023. Respondent was personally served the summons and RFO along with the referral to CCRC on January 30, 2023. Petitioner has not filed an Income and Expense Declaration.

Petitioner is seeking sole legal and physical custody of the minor. Petitioner asserts Respondent has a substance abuse issue which requires court ordered substance abuse testing as well as professionally supervised visitation.

Only Petitioner appeared for the CCRC appointment on February 6, 2023. As such a single parent report was filed on February 6, 2023. Copies were mailed to the parties on February 9, 2023. The court notes, Petitioner's copy was returned to the court.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR.

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15. BAYLEIGH MARK V. NOAH MARK

22FL0514

Petitioner filed a Request for Order (RFO) on November 4, 2022, requesting the court modify child custody and parenting time orders as well as make property control orders. Respondent was personally served on November 8, 2022. Petitioner asserts in her declaration that Respondent has repeatedly violated the Domestic Violence Restraining Order (DVRO) resulting in his incarceration. Petitioner is seeking sole legal and physical custody of the minor. Petitioner is also seeking to retrieve her separate property items in Respondent's possession as well as enforcement of the court's prior order for reimbursement for damages to Petitioner's vehicle caused by Respondent.

Respondent filed a Request to Reschedule the Hearing on December 22, 2022 due to his incarceration status. The court granted the request on December 23, 2022 and continued the hearing to March 30, 2023.

Respondent has not filed a Responsive Declaration.

As to custody and parenting time, all prior orders remain in full force and effect.

The court grants Petitioner's request to retrieve her separate property items from Respondent's storage unit at Sentry Storage in Shingle Springs.

All prior orders not in conflict with this order remain in full force and effect. Both parties are reminded that failure to abide by court orders may result in an Order to Show Cause and Affidavit for Contempt.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #15: AS TO CUSTODY AND PARENTING TIME, ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE COURT GRANTS PETITIONER'S REQUEST TO RETRIEVE HER SEPARATE PROPERTY ITEMS FROM RESPONDENT'S STORAGE UNIT AT SENTRY STORAGE IN SHINGLE SPRINGS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. BOTH PARTIES ARE REMINDED THAT FAILURE TO ABIDE BY COURT ORDERS MAY RESULT IN AN ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE

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8:30 a.m./1:30 p.m.

**MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS
ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

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8:30 a.m./1:30 p.m.

16. BEAU GRIFFIN V. HANNAH GRIFFIN

PFL20200103

On January 10, 2023, Respondent filed a Request for Order (RFO), requesting the court modify the current custody and parenting plan. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 8, 2023 and a review hearing on March 30, 2023. Respondent is requesting sole legal and sole physical custody of the minor P.G. and that Petitioner have sole legal and sole physical custody of the minor B.G.. Respondent asserts she has addressed her substance abuse issues. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO and referral to CCRC.

Both parties appeared for CCRC and were able to reach some agreements. A report with agreements and recommendations was filed on March 9, 2023. Copies were mailed to the parties on March 15, 2023.

Respondent filed a Responsive Declaration on March 17, 2023. Respondent was served by mail on March 17, 2023. Petitioner requests that prior to initiating any supervised visitation, Respondent be required to complete a substance abuse rehabilitation program, and demonstrate sobriety for one year, resolve all her outstanding criminal cases, and complete a parenting class.

The court has read and considered the filings as outlined above. The court finds good cause to proceed with the hearing, despite the lack of Proof of Service as both parties appeared for CCRC and Petitioner has filed a Responsive Declaration. The court finds the recommendations and agreements as set forth in the March 9, 2023 CCRC report to be in the best interest of the minors. The court adopts the recommendations and agreements as its orders.

All prior orders not in conflict with this order shall remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #16: THE COURT FINDS THE RECOMMENDATIONS AND AGREEMENTS AS SET FORTH IN THE MARCH 9, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AND AGREEMENTS AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR

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COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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17. JEFFERY SMITH V. KONG SMITH

PFL20170657

On December 6, 2022, parties appeared for a contested hearing on all issues. The parties stated they had reached a full agreement and requested the matter be set for the court to receive the Judgment and Marital Settlement Agreement. The court granted the parties' request and set the matter for a hearing on February 9, 2023.

On February 9, 2023, the parties appeared for the hearing and requested the matter be continued to allow additional time to finalize the Marital Settlement Agreement.

Upon review of the court file, no Marriage Settlement Agreement has been filed. As such, the court drops the matter from calendar. If parties wish to set the matter for a contested proceeding, they may request a trial setting conference. If parties have in fact reached a settlement agreement, such agreement may be submitted to the Judgment clerk for processing through the normal course.

TENTATIVE RULING #17: THE MATTER IS DROPPED FROM CALENDAR.

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18. JEREMY DAY V. RAVEN DAY

PFL20200495

Respondent filed a Request for Order (RFO) on December 2, 2022, requesting the court modify the current parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 6, 2023 and a review hearing on February 23, 2023. Petitioner was personally served on December 4, 2022. Respondent is requesting the maternal grandparents provide supervision for Respondent's parenting time, as well as the maternal aunt. Respondent has provided no supporting documentation that she has complied with prior court orders for substance abuse testing.

Petitioner filed a Request to Reschedule the CCRC appointment and hearing due to medical appointments. The court granted the request and reset CCRC for January 27, 2023 and the review hearing for March 30, 2023.

Only Respondent was able to appear for CCRC on January 27, 2023. As such a single parent report was filed on January 27, 2023. A copy was mailed to the parties on January 31, 2023.

Petitioner has not filed a Responsive Declaration.

The court denies Respondent's requested modification. All prior orders remain in full force and effect. Respondent must comply with the prior orders prior to the court modifying the parameters for parenting time. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #18: THE COURT DENIES RESPONDENT'S REQUESTED MODIFICATION. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT MUST COMPLY WITH THE PRIOR ORDERS PRIOR TO THE COURT MODIFYING THE PARAMETERS FOR PARENTING TIME. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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19. JOSEPH CARLISLE V. GINA CARLISLE

PFL20170803

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on November 7, 2022, alleging 12 counts of contempt. Petitioner was personally served on November 14, 2022.

Parties were ordered to appear for arraignment on January 26, 2023. At the hearing the court appointed the Public Defender and continued the matter to March 30, 2023 to allow Respondent an opportunity to meet with counsel.

Parties are ordered to appear for the continued arraignment.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR FOR THE CONTINUED ARRAIGNMENT.

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20. LEONARD ALDERETTE V. MEGAN ALDERETTE

PFL20170261

On January 10, 2023, Respondent filed a Request for Order (RFO) requesting the court modify the child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 6, 2023 and a review hearing on March 30, 2023. Respondent is requesting the parties return to the prior orders of August 9, 2021. Petitioner was served by mail on January 27, 2023.

Only Petitioner appeared for the CCRC appointment on February 6, 2023. As such, a single parent report was filed on February 7, 2023. A copy of the report was mailed to the parties on February 9, 2023.

Petitioner has not filed a Responsive Declaration.

The court orders parties to appear for the hearing.

TENTATIVE RULING #20: THE COURT ORDERS PARTIES TO APPEAR FOR THE HEARING.

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8:30 a.m./1:30 p.m.

21. MICHELLE MASTERS V. GUY SORBER

22FL0424

Petitioner filed a Request for Order (RFO) on January 12, 2023 alleging Respondent had failed to comply with disclosure requirements. Upon review of the court file, there is no Proof of Service showing the RFO was served on Respondent.

The matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #21: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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